

Remarks

With respect to claim 32, the applicant respectfully disagrees with the Advisory Action of January 15, 2004 which states that Tripp discloses a sensor extended from a mask. The Tripp reference, at Col. 8, lines 37- 44, teaches of optical transducers located on a substrate being held in place with a rubber band that wraps around a user's head. The citation specifically teaches away from the claimed embodiment: "Such an elastic band support arrangement is especially desirable for mask-free physiological monitoring uses . . ." (col. 8, lines 39-41) (**emphasis added**). The only disclosed embodiment in Tripp utilizing the substrate involves placing the substrate within a liner in the mask so as to enable the transducers to be positioned behind apertures in the mask.

Furthermore, we respectfully submit that Claim 32 requires that the EEG sensor be positioned to detect brain activity. There is no disclosure or teaching in Tripp which would suggest such positioning. One skilled in the art would readily appreciate that Tripp's mask (which only surrounds the nose and mouth and does not include any extensions adjacent to the forehead or top of the skull) is not capable of positioning an EEG sensor such that suitable EEG readings of brain activity can be taken.

As such, in light of the above arguments, we respectfully request reconsideration of the rejection to claim 32 and all claims dependant thereon.



Conclusion

Applicant respectfully submits that, as amended, the subject application is in condition for allowance, and allowance thereof is kindly requested. Should the Examiner wish to discuss these claims further, or should an Examiner's Amendment be needed in order for the claims to proceed to allowance, the Examiner is invited to contact the undersigned attorney at the Examiner's earliest convenience.

Dated: March 2, 2004

Respectfully submitted,
Compumedics Limited,
by its Attorneys

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